United Nations CRC/C/SR.1933

Convention on the Rights of the Child

Distr.: General
16 January 2015

Original: English

Committee on the Rights of the Child
Sixty-eighth session

Summary record (partial)* of the 1933rd (Chamber A) meeting
Held at the Palais Wilson, Geneva, on Tuesday, 13 January 2015, at 10 a.m.

Chairperson: Ms. Sandberg

Contents

Consideration of reports of States parties (*continued*)

Initial report of Cambodia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued)

Initial report of Cambodia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.15-00407 (E) 150115 160115

1500407

Please recycle

The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (*continued*)

Initial report of Cambodia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued) (CRC/C/OPAC/KHM/1; CRC/C/OPAC/KHM/Q/1 and Add.1)

Initial report of Cambodia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued) (CRC/C/OPSC/KHM/1; CRC/C/OPSC/KHM/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Cambodia took places at the Committee table.*

2. **Mr. Ith** (Cambodia), responding to questions about the involvement of children in armed conflict raised at the previous day's meeting, said that the Law on the General Statutes for Military Personnel prohibited the recruitment by the armed forces of persons under the age of 18. The minimum age for enrolment in military school was 18 and prospective students must provide proof of age before their application was accepted. The number of births registered in the country remained low. Local authorities kept records on families living in their area, including information regarding age and date of birth. Any local official or private individual, including children, who was found to have falsified birth certificates or identity papers was subject to prosecution and punishment. Children affected by the armed conflict near the border with Thailand had been placed on a temporary basis in a national child protection centre where they received free health care, education and psychological support. More than 300 children had been housed by the centre in 2007.

3. **The Chairperson** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) expressed concern that the records of local authorities, rather than birth certificates, were used as proof of age for children wishing to enrol in military schools or join the armed forces. She requested an explanation of why children living on the Thai border wore military uniforms if they were not members of the armed forces.

4. **Mr. Gastaud** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) requested information on the number of persons, including children, convicted of falsifying birth certificates or identity documents in order to enrol in military school or join the armed forces.

5. **Mr. Ith** (Cambodia) said that children seen wearing military uniform on the Thai border were from local military families and wore the uniforms of their own accord. Since birth registration rates in some communities were still very low, the detailed records kept by local authorities containing the age and date of birth of each resident of the area were used as official proof of age in lieu of a birth certificate. As for the number of persons convicted of falsifying birth certificates or identity documents in order to enrol in military school or join the armed forces, since there had been no cases of children being recruited by the armed forces or enrolling in military schools, there had been no convictions of that nature.

6. **Mr. Madi** asked whether national legislation explicitly prohibited the recruitment of children by the armed forces or non-State armed groups. He also wondered why children from military families living near the Thai border should choose to wear military uniform, given that it placed them at grave risk of being mistaken for soldiers and attacked by foreign military forces. Lastly, he enquired whether the State party had established

extraterritorial jurisdiction over offences under the Optional Protocol on the involvement of children in armed conflict.

7. **Mr. Ith** (Cambodia) said that when children from military families living near the Thai border wore military uniform, it was to show their pride in their families' military achievements. The Government recognized that children living in conflict zones could be vulnerable to attack and worked in partnership with the local authorities and NGOs to evacuate at-risk children to safety during periods of unrest. All offences covered in the Optional Protocol in which Cambodian nationals were subject to extraterritorial jurisdiction.

8. In response to a question from **Mr. Gastaud**, he said that extraterritorial jurisdiction also extended to foreign nationals who committed offences against Cambodia nationals abroad.

9. **The Chairperson**, referring to the 30-day birth registration period, asked whether the Government intended to abolish the fines imposed for late registration.

10. **Ms. Chou** (Cambodia) said that a large number of persons had been left without official birth certificates or identity documents as a result of the policies of the Khmer Rouge regime. A national mobile registration campaign had been launched in 2004 in partnership with the local authorities to address the low birth registration rate. The Government had introduced the 30-day registration period to encourage parents to register their children as soon as possible after birth. Fines were used to induce them to do so, but low-income families without the means to pay could apply for financial support.

11. **The Chairperson** asked what steps had been taken to register children living on the streets.

12. **Ms. Chou** (Cambodia) said that at present, witnesses were required to vouch for the identity and age of children living on the streets, but the matter was to be addressed during the upcoming reform of the birth registration process.

13. **Mr. Madi** asked whether military schools and universities were run by the armed forces and whether students in those institutions received training in handling weapons. He also wished to know whether students were subject to military discipline and whether a complaints procedure accessible to children had been established in all military training establishments.

14. **Mr. Ith** (Cambodia) confirmed that military schools and universities were run by the armed forces. Since children were not admitted to military schools or universities, no mechanism had been established for children's complaints. Students must hold a bachelor degree to qualify for enrolment in military school or university, although members of the armed forces were also entitled to attend courses.

15. **The Chairperson**, noting that under the Optional Protocol, underage recruitment for the military must not only be prohibited but expressly criminalized, asked whether those responsible for the recruitment of children into the armed forces could be prosecuted and convicted under Cambodian law.

16. **Mr. Madi** asked whether the recruitment of children under the age of 15 was considered a war crime under Cambodian legislation.

17. **Mr. Ith** (Cambodia) said that the law prohibited the recruitment of children for the military. Under the Criminal Code, if a child was recruited on the basis of falsified paperwork, the person identified as responsible for the falsification was charged for that offence. If it was established that the person who had recruited the child had known that the documents were falsified, he or she was charged as an accomplice. There were no cases of children under the age of 15 being recruited to serve in the armed forces in Cambodia. Although no specific provisions criminalized the recruitment of children, setting up an

armed group unlawfully was a criminal offence, and the recruitment of children to serve in the military, which was illegal, would fall into that category.

18. **The Chairperson** asked whether that was an established interpretation of the legislation; the Committee would prefer a more explicit criminalization of underage recruitment.

19. **Mr. Ith** (Cambodia) said that as there had not been any such cases in practice, Cambodia did not have any experience with the use of that interpretation.

20. **Mr Gastaud**, referring to the large quantity of unexploded ordnance still present in Cambodia, asked whether mine action programmes had been suspended or cut back, as certain sources had suggested, and what was being done to raise awareness among children living in mine-affected areas of the dangers there.

21. **Mr. Ith** (Cambodia) said that demining operations continued to be conducted in high-risk areas and remained a priority. The Ministry of Social Affairs ran over 200 centres for victims of the armed conflict, including rehabilitation and education centres for persons with war-related disabilities, some of whom were children. A Government decree on reviewing the services those centres provided was in the drafting stage. The Government was also working to ensure compliance with the legislation on the rights of persons with disabilities, which encompassed persons injured by war. To that end it had introduced a policy that enhanced work opportunities by establishing a minimum quota of 2 per cent for persons with disabilities in government service.

22. **Mr. Gastaud** asked whether a timetable for mine clearance, setting dates by which specific regions should be mine free, had been drawn up, and how mine action programmes were funded.

23. **Mr. Ith** (Cambodia) said that the Government was committed to clearing all areas in which there was a high mine concentration so that agricultural production could recommence. In addition to their domestic clearance activities, the country's demining units made significant contributions to international demining efforts: for example, a detachment of Cambodian troops had recently been sent to join the United Nations peacekeeping mission in South Sudan.

24. Awareness-raising activities were also continuing. In 2014, over 300 persons employed by the Cambodian Mine Action Centre and more than 200 volunteers had received mine risk education and were now prepared to travel to mine-affected areas and pass on their knowledge to local communities. Those activities were actively supported by local authorities. Around 1,500 households had benefited from them to date.

25. **Mr. Men** (Cambodia) said that the Disability Action Council had formulated a national plan for the rehabilitation of persons with disabilities, 2014–2018, that facilitated access to social services and offered incentives for employers. The Government was also striving to increase the availability of prosthetic devices, and around 700 devices has been produced so far – a testimony to its commitment to addressing the practical aspects of disability and rehabilitation.

26. **The Chairperson** said that the programmes and measures described appeared to be of a general rather than child-specific nature: information about specifically child-friendly rehabilitation and education initiatives was needed.

27. **Mr. Ith** (Cambodia) said that the awareness-raising programmes were designed to be child-friendly and had been incorporated in school curricula. There was a dedicated school for children with disabilities that provided vocational as well as academic education so as to develop the skills necessary to enhance the children's future employment possibilities.

28. **The Chairperson** asked what was being done to achieve compliance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles); to guarantee the autonomy of the Cambodian Human Rights Committee; and to extend the Committee's mandate to all human rights violations, including those addressed under the two Optional Protocols.

29. **Mr. Ith** (Cambodia) acknowledged that a fully independent national human rights institution was still lacking, even though human rights commissions had been established in the Senate and the National Assembly. The Government was committed to rectifying that gap, and a multisectoral working group had been established to prepare the relevant legislation. Initial drafts had been submitted to NGOs for comment and discussed with Government agencies. The mandate of the institution ultimately created would extend to all human rights issues, including offences under the two optional protocols.

30. **The Chairperson** expressed concern about out-of-school migrant children who were left alone while their parents worked and children who were left with their grandparents and forced to work to support them. The situation of such children made them particularly vulnerable to offences under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It was also worrying that the vast majority of the Ministry of Social Affairs' budget went to veterans, while only 1 per cent was allocated to projects for women and children. Moreover, court screening and videoconferencing were little used in cases involving children, due to lack of familiarity or of technical expertise. She would like to know what action was being taken to address those deficiencies. Citing reports of the misinterpretation of legislation by law enforcement officials, she also sought assurances that children involved in prostitution were treated as victims and not as offenders, as the law intended. Lastly, she asked whether the State party was aware of the problems associated with orphanage tourism and what it was doing to ensure that institutionalized children were not exploited or abused by visiting travellers.

The meeting was suspended at 11.15 and resumed at 11.40.

31. **Mr. Ith** said that a number of community-based programmes had been established, under which the competent authorities and the local population joined forces to protect vulnerable children, such as those of migrant parents. Supporting and protecting children was also a key mandate of the local councils for women and children established throughout the country. Additionally, under a pilot project in selected provinces, community-based child protection networks brought children together in defending themselves against the risk of trafficking and abuse within their communities.

32. The use of videoconferencing and partitions in court cases involving children was being piloted thanks to support from the United Nations Children's Fund (UNICEF), but there was no legal requirement to use such mechanisms. The pilot would yield invaluable information to feed into the subsequent development of policy and legislative initiatives, including the law on juvenile justice which was currently in the drafting stage. Alongside the lack of clear instructions, the main obstacles to effective use of modern technologies in courts were insufficient technical expertise and maintenance; in some cases, staff were simply unable to resolve equipment malfunctions. Despite the challenges, the authorities were committed to maximizing the use of child-friendly procedures in court cases.

33. Although children involved in prostitution were considered under Cambodian law to be victims, not offenders, on the basis of certain legislative provisions dealing with procurement, a minor involved in roadside solicitation might be charged with disturbing public order and fined accordingly. In practice, no child had ever been arrested for an offence of that kind and educational measures were always the preferred response.

34. The Government recognized the need for increased budget allocations to social welfare for children and was committed to maximizing available resources to ensure that children could realize their full potential. Increased programme-based funding was envisaged from 2016 onwards.

35. **Mr. Men** (Cambodia) said it was true that tourists visited orphanages and sometimes committed offences there. The Ministry of Social Affairs had signed memorandums of understanding with more than 200 orphanages, both those operated by NGOs and government-run centres, and was making efforts to do so with all orphanages. It was strictly enforcing the minimum standards on alternative care, and all orphanages were inspected to ensure that they had the capacity to offer all the services and support needed. The Ministry had recently closed down 11 centres that had failed to comply with the minimum standards. It was in the process of drafting two decrees, on the management of orphanages and the provision of support to children in government-run centres, which it hoped would come into effect in 2015 to help protect children from violations. With regard to the recent incident involving an orphanage in the Siem Reap province, the Ministry had worked with the local authorities to close down that facility. In cooperation with UNICEF, the Ministry of Social Affairs had developed a programme for the removal of children from orphanages and their reintegration into the community. The Government was cooperating with 141 NGOs that operated programmes in the country to mobilize resources for the social welfare sector.

36. **The Chairperson** asked whether the memorandums of understanding with orphanages covered the use of foreign volunteers, some of whom might have ulterior motives for doing voluntary work with children. She asked how unregistered orphanages were dealt with and what efforts were made to ensure that they also complied with the minimum standards.

37. In response to a question from **Mr. Gastaud**, **Mr. Ith** (Cambodia) said that the draft law on juvenile justice defined procedures for cases involving child offenders and provided for a programme to protect juvenile offenders and direct them towards community-based services, minimizing their appearances in the courts, which were seen as a last resort.

38. **Mr. Men** (Cambodia) said that the Ministry of Social Affairs paid close attention to the problem of tourists who might have ulterior motives for volunteering at Cambodian orphanages. The teams that conducted inspections prior to the conclusion of memorandums of understanding thoroughly examined NGO-run orphanages to ensure that they complied with all the policies and laws of Cambodia and had been established out of a genuine desire to help children. The existing memorandums of understanding were also being reviewed to ensure that the institutions in question continued to comply with requirements. Provincial teams were in place nationwide to carry out inspections, in cooperation with the central technical team and the local authorities. Unregistered institutions could be suspended or shut down if they failed to comply with minimum standards.

39. **The Chairperson** asked whether efforts were being made to increase the capacity of social services to cope with the problem.

40. **Mr. Men** (Cambodia) said that additional resources were being allocated and the number of staff had been increased. In addition to all relevant staff being invited to participate in capacity-building activities at the central level, activities were also being conducted in all the provinces, and technical staff provided mentoring and on-site training.

41. **The Chairperson**, (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) thanked the delegation for the constructive and frank dialogue and commended the State party for the work it was doing on the issues under the Optional Protocol. The State party appeared to be very much aware of the challenges it faced in dealing with sexual and orphanage tourism, although a lack of

resources appeared to hinder some efforts. The key was to ensure the implementation of the legislation and programmes put in place.

42. **Mr. Gastaud** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) thanked the delegation for the spirit of cooperation in which it had approached the dialogue. The Committee acknowledged the progress made in a number of areas, such as setting the age for military recruitment at 18. However, a number of concerns remained, such as demining. He encouraged the State party to strengthen its efforts in terms of legal, financial and human resources.

43. **Mr. Ith** (Cambodia) said that, although progress had been made in prohibiting the direct or indirect participation of children in the armed forces, and the Government strove to ensure a safe environment for children, it recognized the need to afford children greater legal protection in some areas, for example against child pornography. He thanked all the institutions that cooperated with the Government in that area, especially UNICEF, and expressed the hope that they would continue to support the Government's efforts to uphold children's rights, particularly in respect of social welfare, education and health. The State party would welcome the Committee's constructive suggestions and recommendations.

The discussion covered in the summary record ended at 12.25 p.m.